

REMARKS

The Office Action of June 22, 2010, has been carefully reviewed and noted. The foregoing amendments and the following remarks represent a complete response thereto.

In the Office Action¹ the Examiner rejected:

- (1) claims 1, 3, 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over JP Pub. No. 2002-289374 to Yamazaki et al. ("*Yamazaki*") in view of U.S. Patent No. 5,793,163 to Okuda ("*Okuda*");
- (2) claim 2 under 35 U.S.C. § 103(a) as being unpatentable over *Yamazaki* in view of *Okuda* and in further view of that which the Examiner characterized as "Applicant's Admitted Prior Art" (hereinafter *AAPA*); and
- (3) claims 8-19 under 35 U.S.C. § 103(a) as being unpatentable over *Yamazaki* in view of *Okuda* and in further view of U.S. Patent Application Publication No. 2004/0017342 to Sekine ("*Sekine*").

By this amendment, Applicant amends claim 13 merely to deal with informalities. Thus, claims 1-4 and 6-19 are currently pending in the application and subject to examination.

Informal Matters

In the Office Action claim 13 was objected to for informalities, as discussed below. Claims 13 has been amended responsive to the objections. If any additional

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

amendment is necessary to overcome the objections and rejection, the Examiner is requested to contact the Applicant's undersigned representative.

Rejections Under 35 U.S.C. § 103(a)

Applicant respectfully traverses the rejection of claim 1 under 35 U.S.C. § 103 as being unpatentable over *Yamazaki* in view of *Okuda*. A *prima facie* case of obviousness has not been established.

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. . . . [R]ejections on obviousness cannot be sustained with mere conclusory statements." *M.P.E.P. § 2142, 8th Ed., Rev. 7 (July 2008)(internal citation and inner quotation omitted)*. "[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." *M.P.E.P. § 2141(II)*. In rejecting a claim, "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." *M.P.E.P. § 2141(III)*. Here no *prima facie* case of obviousness has been established for at least the reason that the Office has not properly determined the scope and content of the prior art nor properly ascertained the differences between the claimed invention and the prior art.

Independent claim 1 calls for a combination including, for example:

a constant current circuit for charging said charging section via said constant current circuit (emphasis added)

The cited art, alone or in combination, fails to disclose or suggest at least this element of 1.

The Office Action correctly concedes that *Yamazaki* fails to disclose at least the claimed "constant current circuit for charging said charging section via said constant current circuit" and, instead, relies on *Okuda* (page 3 of Office Action), apparently asserting that Figure 10 of *Okuda* teaches this element. This is incorrect.

Okuda does disclose a "Driving Circuit for Light Emitting Element" (title) and Figure 10 of *Okuda* does show a constant current supply 3. However, Figure 10 of *Okuda* clearly shows that the constant current supply 3 is connected directly to lighting element 2. *Okuda* teaches exactly this arrangement and only this arrangement in column 1 lines 20-26.

As taught in column 1, lines 15-26 of *Okuda*, using the constant current supply 3 to supply the driving current directly to the light emitting element 2 shown in Figure 10 prevents a situation in which "light emitting luminescence [of light emitting element 2] varies undesirably" (column 1, lines 15-18 of *Okuda*). Therefore, the constant current supply 3 of *Okuda* supplies current directly lighting element 2, not "for charging said charging section via said constant current circuit," as claimed. No other use of or connection to the constant current supply 3 of *Okuda* is contemplated. Even if *Okuda* were to be modified to establish another connection, however, such a modification would impermissibly change the principle of operation described in some detail in column 1 lines 20-26 of *Okuda*. See MPEP § 2143.01 (VI). Therefore, *Okuda* fails to disclose, teach or otherwise suggest "a constant current circuit for charging said

charging section via said constant current circuit" (emphasis added), as recited in claim 1.

The Examiner argues that *Okuda* teaches "the concept of serially connecting a constant-current circuit [fig. 10, "3"] to a voltage source [fig. 10, "1"], to provide power to a light source section [fig. 10, "2"]" (Office Action, page 3). Even if this is correct, which the Applicant does not concede, *Okuda* would still fail to teach the claimed element. *Okada* simply teaches nothing at all about a charging section, much less the claimed "a constant current circuit for charging said charging section via said constant current circuit" (emphasis added), as recited in claim 1.

The Office Action cites *AAPA* as a teaching "a light source driving circuit [fig. 14a] and the concept of setting the non-emitting period of the light source driving circuit to be longer than the emitting period of the light source driving circuit," and cites *Sekine* as a teaching "the concept of using three light sources (i.e. red, green and blue) as a backlight for a display, wherein the three light sources are activated sequentially." Even if these characterizations of *AAPA* and *Sekine* are correct, which the Applicant does not concede, *AAPA* and *Sekine* fail to cure the deficiencies of *Yamazaki* and *Okuda* discussed above. That is, *AAPA* and *Sekine*, also, fail to teach or suggest "a power supply section including a constant current circuit for charging said charging section via said constant current circuit," as claimed in claim 1.

As set forth above, the Office has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the claimed invention and the prior art. Moreover, the Office Action has provided no motivation for one of ordinary skill in the art to modify the teachings of the prior art to achieve the claimed combinations. Accordingly, no reason has been articulated as to why one of skill in the art would find the claimed combination obvious in view of the prior art. For at least this reason, no *prima facie* case of obviousness has been established.

The rejection of claims 1 under 35 U.S.C. §103 as unpatentable over *Yamazaki* in view of *Okuda* is thus improper and should be withdrawn. Moreover, the rejections under 35 U.S.C. §103 of claims 2-4 and 6-19 depending or ultimately depending from claim 1, are improper and should be withdrawn for at least reasons given above with respect to claim 1.

In accordance with the "power supply section including a constant current circuit for charging said charging section via said constant current circuit" claimed in claim 1, there is no need to pass a large instantaneous current to the light source. As explained in at least paragraph [0006] of the instant specification, an ill effect which may otherwise be caused to the system by a supply voltage drop can also be avoided. None of the cited art contemplates such a power supply section, as claimed, or the advantages disclosed in the instant application.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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By: 
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